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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,217	02/25/2002	Mark T. Davis	PALM-3744	4736

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San Jose, CA 95113

EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,217

Applicant(s)

DAVIS ET AL.

Examiner

Marcos L Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12, 14-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The use of the trademark Bluetooth has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 6-12, 14-20 and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 6, 9-12, 14, 17-20 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suomela US 20030011467A1 in view of Yoshizawa US 20010036273A1.

As to claim 1, Suomela discloses a method of establishing a wireless connection to a device (see par. 0001), said method comprising: identifying available devices within wireless range (see par. 0009); receiving a selection of a device, wherein said device is one of said available devices; connecting wirelessly with said device (see par. 0010); and automatically using a passkey for said device, wherein said passkey is retrieved from memory and wherein manual input of said passkey is obviated for subsequent connections (see 0044). Suomela does not specifically disclose exchanging passkeys with said device, said exchanging comprising sending a first passkey to said device and receiving a second passkey from the device. In an analogous art, Yoshizawa discloses exchanging passkeys with said device, said exchanging comprising sending a first passkey to said device and receiving a second passkey from

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the device, and using said second key for future connections (see par. 0008-0011), thereby making a faster and secure connection. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both teachings for the simple purpose of a secure user-friendly connection.

As to claim 2, Suomela discloses the method wherein connecting are performed substantially according to Bluetooth protocols (see 0028).

As to claim 3, Suomela discloses the method comprising: displaying a list of said available devices (see par. 0010).

As to claim 4, Suomela discloses the method wherein said device is identifiable in said list as a device for which a passkey is stored in memory (see par. 0044).

As to claim 6, Suomela discloses the method comprising: displaying a list of devices for which passkeys are stored in memory (see par. 0044).

Regarding claims 9-12 and 14, they are the corresponding system claims of method claims 1-4 and 6. Therefore, claims 9-12 and 14 are rejected for the same reason shown above.

Regarding claims 17-20 and 22, they are the corresponding apparatus claims of method claims 1-4 and 6. Therefore, claims 17-20 and 22 are rejected for the same reason shown above.

7. Claims 7, 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suomela in view of Yoshizawa as applied to claim 1 above, and further in view of Baptist US005465392A.

As to claim 7, Suomela disclose everything claimed as explained above except for the method comprising: deleting a device from said list. Baptist discloses the method comprising: deleting a device from a list (see col. 5, lines 21-25). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Suomela method for the simple reason of organization purposes.

Regarding claim 15 is the corresponding system claim of method claims 7. Therefore, claims 15 are rejected for the same reason shown above.

Regarding claims 23 is the corresponding apparatus claims of method claims 7. Therefore, claims 23 are rejected for the same reason shown above.

8. Claims 8, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suomela in view of Yoshizawa as applied to claim 1 above, and further in view of Sormunen US006112078A.

As to claim 8, Suomela disclose everything claimed as explained above except for the method wherein said passkey is valid only for a specified period of time. Sormunen discloses the method wherein a passkey is valid only for a specified period of time (see col. 1, lines 50-55). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Soumela method for enhanced security.

Regarding claim 16 is the corresponding system claim of method claims 8. Therefore, claims 16 are rejected for the same reason shown above.

Regarding claims 24 is the corresponding apparatus claims of method claims 8. Therefore, claims 24 are rejected for the same reason shown above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be mailed to:

U.S. Patent and Trademark Office
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306

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for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G Kincaid can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres
Examiner
Art Unit 2687

Mlt


SONNY TRINH
PRIMARY EXAMINER